

## **EXHIBIT 5**

**Dalton, Amy**

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**From:** L. Timothy Fisher [ltfisher@bursor.com]  
**Sent:** Wednesday, January 25, 2012 5:33 PM  
**To:** Cooper, Monte  
**Cc:** scott@bursor.com; Chatterjee, I. Neel; Metanat, Morvarid; Sutton, Theresa A.; Dalton, Amy; Beardsley, Megan M.; Ortiz, Marilyn; Mudurian, Karen N.; Neal Deckant  
**Subject:** Re: Ltr. Brief re\_trial testimony.DOC  
**Attachments:** 2012.01.25 DRAFT Joint Letter Regarding Brazilian Witnesses.docx; 2012.01.25 Letter to Facebook's Counsel.pdf

Monte:

Attached is a revised version of the letter regarding the Brazilian witnesses as well as a letter regarding the Power email server. We will send you a revised version of the 30(b)(6) letter tomorrow.

Tim

--

L. Timothy Fisher  
Bursor & Fisher, P.A.  
1990 North California Blvd., Suite 940  
Walnut Creek, California 94596  
Telephone: (925) 300-4455  
Facsimile: (925) 407-2700  
E-Mail: [ltfisher@bursor.com](mailto:ltfisher@bursor.com)

On Wed, Jan 25, 2012 at 10:23 AM, Cooper, Monte <[mcooper@orrick.com](mailto:mcooper@orrick.com)> wrote:

Tim:

Attached is Facebook's portion of the Joint Letter to Magistrate Judge Spero concerning the use at trial of former Power employees residing in Brazil. We will shortly also be sending you Facebook's portion of the Joint Letters concerning a further supervised Rule 30(b)(6) deposition of Power, and re compelling production of the missing [power.com](http://power.com) emails generated by former Power employees. Facebook of course reserves the right to make further edits to these portions before their filing tomorrow. Please let me know if you have any questions.

Monte

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1990 NORTH CALIFORNIA BLVD.  
SUITE 940  
WALNUT CREEK, CA 94596  
[www.bursor.com](http://www.bursor.com)

L. TIMOTHY FISHER  
Tel: 925.300.4455  
Fax: 925.407.2700  
[ltfisher@bursor.com](mailto:ltfisher@bursor.com)

January 25, 2012

**By overnight delivery**

Monte Cooper, Esq.  
Orrick Herrington & Sutcliffe LLP  
1000 Marsh Road  
Menlo Park, CA 94025

**Re: Facebook, Inc. v. Power Ventures, Inc. et al., Case No. 5:08-cv-05780 (N.D. Cal.)**

Dear Monte:

Following our meeting last week and our subsequent discussions, we followed up with our client, and it was discovered that a Microsoft Exchange file that may be a backup of Power's email server had inadvertently not been included on the AsaDrive when we gave you access in November, 2011. We have enclosed a drive that includes that file as well as four other backup files that were not included on the AsaDrive ("Aplicacoes.rar," "Backup servicos.rar," "BATS Power.com.rar," and "Kit IIS 6.0 Migration – Restore.rar").

We have confirmed that no other files have been omitted from the ASA drive and that you now have the complete contents of Power's backup. Do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in blue ink that reads "L. Timothy Fisher". The signature is fluid and cursive, with "L. Timothy" on the left and "Fisher" on the right.

L. Timothy Fisher

Enclosure